GEORGE G. WEICKHARDT (SBN 58586)
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ROPERS, MAJESKI, KOHN & BENTLEY PC
201 Spear Street, Suite 1000
San Francisco, CA 94105
Telephone: (415) 543-4800
Facsimile: (415) 972-6301
Email: gweickhardt@rmkb.com

Attorneys for Defendant
CHASE BANK USA, N.A., sued herein erroneously as
JP MORGAN CHASE & CO.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

LESLIE JENSON, Plaintiff, v. JP MORGAN CHASE & CO.; and DOES 1 through 10, inclusive, Defendants.	CASE NO. 08 CV 0334 **PROOF OF SERVICE**

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

CASE NAME: **LESLIE JENSON v. JP MORGAN CHASE & CO., and DOES 1 through 10, inclusive**

ACTION NO.: **08 CV 0334 JLS— U.S. District Court, Southern District of California**

I am a citizen of the United States. My business address is 201 Spear Street, Suite 1000, San Francisco, CA 94105. I am employed in the County of San Francisco where this service occurs. I am over the age of 18 years, and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

1. **NOTICE OF REMOVAL OF CIVIL ACTION FROM STATE COURT TO UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA**
2. **NOTICE OF PARTY WITH FINANCIAL INTEREST**
3. **CIVIL COVER SHEET**

(BY FAX) by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.

☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.

Attys. for Plaintiff

Douglas Jaffe, Esq.
Law Offices of Douglas Jaffe
402 West Broadway, 4th Floor
San Diego, CA 92101
Tel: (619) 595-4861
Fax: (619) 595-4862

☒ *(Federal)* I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 22, 2008, at San Francisco, California.

Richard Choi

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained h[illegible] neither replace nor supplement the filing and service of ple[illegible]s or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial [illegible]ference of the United States in September 1974, is required [illegible] the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED
08 FEB 21 PM 2:38
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

I. (a) PLAINTIFFS
LESLIE JENSON

DEFENDANTS
JP MORGAN CHASE & CO.

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Douglas Jaffe
LAW OFFICES OF DOUGLAS JAFFE
402 West Broadway, 4th Floor
San Diego, CA 92101
(619) 595-4861

Attorneys (If Known)
George G. Weickhardt (SBN 58586)
ROPERS, MAJESKI, KOHN & BENTLEY
201 Spear Street, Suite 1000
San Francisco, CA 94105
(415) 543-4800

'08 CV 0334 JLS WMC

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☒ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury— Med. Malpractice
- ☐ 365 Personal Injury — Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity)**:
15 U.S.C. 1681 and 1692
Brief description of cause:
Claim regarding credit reporting and debt collection practice.

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $**
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ______ DOCKET NUMBER ______

DATE Feb 21 2008 SIGNATURE OF ATTORNEY OF RECORD George G. Weickhardt

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

RC1/5066637.1/RL3

American LegalNet, Inc. www.FormsWorkflow.com

COPY

VIA FAX

JS 44 Reverse (Rev. 12/07)

INSTRUCTIONS FOR A ORNEYS COMPLETING CIVIL CO R SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

American LegalNet, Inc.
www.USCourtForms.com

GEORGE G. WEICKHARDT (SBN 58586)
PAMELA J. ZANGER (SBN 168356)
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Email: gweickhardt@rmkb.com

Attorneys for Defendant
CHASE BANK USA, N.A., sued herein erroneously as
JP MORGAN CHASE & CO.

FILED
08 FEB 21 PM 2:39
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

LESLIE JENSON, Plaintiff, v. JP MORGAN CHASE & CO.; and DOES 1 through 10, inclusive, Defendants.	CASE NO. 08 CV 0334 JLS WMc **NOTICE OF REMOVAL OF CIVIL ACTION FROM STATE COURT TO UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, AND TO ALL PARTIES AND THEIR ATTORNEYS HEREIN:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §1441(a), defendant Chase Bank USA, N.A., a national banking association ("Chase"), sued herein erroneously as JP MORGAN CHASE & CO., hereby removes the above-entitled action from the Superior Court of the State of California in and for the County of San Diego to the United States District Court for the Southern District of California, based on the following facts:

1. On or about January 25, 2008, an action was filed in the Superior Court of the State of California, for the County of San Diego, entitled *Leslie Jenson*, Plaintiff *v. JP Morgan Chase & Co., et al.*, Defendants, action number 37-2008-00076687-CU-BT-CTL ("the Action").

A true and correct copy of the Summons and Complaint in the Action is attached hereto as Exhibit A. Plaintiff Leslie Jenson alleges that she is a resident of the County of San Diego and that she entered into a contract with defendant Chase Bank USA, N.A. The first cause of action alleges violation of 15 U.S.C. § 1681s-2(b). The second cause of action alleges violation of 15 U.S.C. § 1692 et seq.

2. Service was effected upon Chase sometime after January 25, 2008, which was the date the Complaint was filed with the Court. Chase's records indicate that it received a copy of the Complaint on February 5, 2008. Thirty days from that date of February 5, 2008 has not yet elapsed, nor has thirty days from January 25, 2008 elapsed.

3. The present case is a case over which the United States District Court has original jurisdiction of the first and second causes of actions under 28 U.S.C. § 1331, in that it is an action arising under the laws of the United States, namely, 15 U.S.C. § 1681 and 1692. This Court has supplemental jurisdiction over the third and fourth Causes of Action pursuant to 28 U.S.C. § 1367.

4. The Action may be removed under 28 U.S.C. § 1441(a) in that the District Courts of the United States have original jurisdiction and the Action is being removed by a defendant to the District Court of the United States for the district embracing the place where such action is pending.

5. This Notice of Removal is being filed within 30 days after the receipt by defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

6. Attached hereto as Exhibit B is a true and correct copy of other pleadings and papers filed in the Action.

7. For the reasons stated above, defendant Chase Bank USA, N.A., hereby removes the above-entitled action.

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

Dated: February 21, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

By: ______________________
GEORGE G. WEICKHARDT
PAMELA J. ZANGER
Attorneys for Defendant
CHASE BANK USA, N.A., sued herein erroneously as JP MORGAN CHASE & CO.

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

EXHIBIT A

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

CIVIL BUSINESS OFFICE 9 CENTRAL DIVISION

2008 JAN 25 A 8:56

CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
JP MORGAN CHASE & CO.; and DOES 1 through 10, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
LESLIE JENSON,

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court, San Diego, Central
330 West Broadway
San Diego, CA 92101

CASE NUMBER: *(Número del Caso):* 37-2008-00076687-CU-BT-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Douglas Jaffe, Esq.
402 West Broadway, 4th Floor, San Diego, CA 92101 (619) 595-4861

DATE: *(Fecha)* JAN 2 5 2008 Clerk, by *(Secretario)* C. Beutler, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)).

[SEAL] SUPERIOR COURT SAN DIEGO COUNTY, CA

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:
   under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
   ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
   ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
   ☐ other *(specify)*:
4. ☐ by personal delivery on *(date)*:

DOUGLAS JAFFE, ESQ. Bar No. 170354
LAW OFFICES OF DOUGLAS JAFFE
402 West Broadway, 4th Floor
San Diego, California 92101
Telephone: (619) 595-4861
Facsimile: (619) 595-4862

Attorneys for Plaintiff

FILED
CIVIL BUSINESS OFFICE 9
CENTRAL DIVISION

2008 JAN 25 A 8:56

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO - CENTRAL

LESLIE JENSON,

Plaintiff,

vs.

JP MORGAN CHASE & CO.; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 37-2008-00076687-CU-BT-CTL

COMPLAINT

1) Violation Of Fair Credit Reporting Act
2) Violation of Fair Debt Collection Practices Act
3) Violation of Rosenthal Fair Debt Collection Practices Act
4) Negligence
5) Declaratory Relief

UNLIMITED CIVIL JURISDICTION

COMES NOW Leslie Jenson ("Plaintiff"), by and through her undersigned attorneys, and alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff is an individual residing in the county of San Diego.

2. On information and belief, JP Morgan Chase & Co. is a corporation doing business in the State of California ("Chase").

3. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants Does 1 through 10 are unknown to Plaintiff who therefore sues said Defendants by such fictitious names. Plaintiff will amend this complaint to show their true names and capacities when they have been ascertained. Plaintiff alleges that each of the fictitiously named Defendants engaged in the actions and omissions hereinafter alleged and that each is fully liable for all the damages requested herein.

4. This Court has personal and subject matter jurisdiction over this action and venue is properly placed in this Court.

5. Chase is, and at all times herein was, a debt collector.

6. Chase is a person, which includes a corporation, who uses instrumentalities of interstate commerce or the mails in a business the purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or asserted to be owed or due another.

7. Plaintiff is a natural person from whom Chase has sought and seeks to collect a consumer debt alleged to be due and owing from Plaintiff.

STATEMENT OF THE CASE

8. Jenson has a credit card account with Chase known as Account Number 5222763211525450 (the "Account").

9. In or about November, 2007, Jenson discovered that Chase was reporting the Account as a "charge-off".

10. Chase has reported to the credit reporting agencies that the Account was charged-off in December, 2006.

11. Jenson was not delinquent in her payments regarding the Account to support a charge-off. For example, and without limitation, Jenson has timely paid, and Chase has accepted, at least the minimum monthly payment for the Account since at least December, 2005 to present.

12. Chase never gave Jenson notice that the Account was delinquent from December, 2006 to present.

13. Chase never gave Jenson notice that it intended to report negative information regarding the Account and Jenson to the credit reporting agencies.

14. Jenson has disputed Chase's credit reporting with Chase and the credit reporting agencies. Chase responded by verifying the negative credit reporting to the credit reporting agencies.

15. A charge-off is reported by the credit reporting agencies as a delinquent account that contains negative account status. Jenson's credit score has been negatively impacted by Chase's inaccurate credit reporting. The negative impact by Chase on Jenson's credit score has interfered with Jenson's ability to access credit.

FIRST CAUSE OF ACTION
(Violation of Fair Credit Reporting Act)

16. Plaintiff incorporates by this reference the foregoing paragraphs.

17. Plaintiff contacted the major credit reporting agencies and disputed Defendant's credit reporting.

18. As the furnisher of the disputed information, Defendant had duties under the Fair Credit Reporting Act to properly investigate the disputed information.

19. Defendant failed to conduct such a proper investigation.

20. By reason of the foregoing, Defendant has violated the Fair Credit Reporting Act, 15 U.S.C. section 1681s-2(b).

21. By reason of the foregoing, Plaintiff is entitled to damages in an amount to be determined at trial, plus interest, costs, penalties, damages for emotional distress, attorneys' fees and punitive damages as provided in the Fair Credit Reporting Act, 15 U.S.C. section 1681n and 1681o.

SECOND CAUSE OF ACTION
(Violation of Fair
Debt Collection Practices Act)

22. Plaintiff incorporates by this reference the foregoing paragraphs.

23. Any amount allegedly owed by Plaintiff to Chase is debt pursuant to 15 U.S.C. section 1692a(5).

24. Chase has used false, deceptive or misleading representations or means in connection with the collection of a debt in violation of 15 U.S.C. section 1692e.

25. Chase has threatened to take action that cannot be legally taken or that was not intended to be taken in violation of 15 U.S.C. section 1692e(5).

26. Chase has used false representations or deceptive means to collect or attempt to collect a debt from Plaintiff in violation of 15 U.S.C. section 1692e(10).

27. Chase has used unfair or unconscionable means to collect or attempt to collect a debt from Plaintiff in violation of 15 U.S.C. section 1692f.

28. Plaintiff has demanded Chase cease its improper debt collection practices.

29. Chase has failed and refused to cease its improper debt collection practices.

30. Chase has made false representations, engaged in unlawful conduct and unfair practices and made threats in violation of the Fair Debt Collection Practices Act, 15 U.S.C. section 1692 et. seq.

31. By reason of the foregoing, Chase willfully violated the Fair Debt Collection Practices Act, 15 U.S.C. section 1692, et seq.

32. By reason of the foregoing, Plaintiff has sustained damages in an amount to be determined at trial; plus interest, costs, damages for emotional distress, and attorneys' fees.

33. By reason of the foregoing, Plaintiff is entitled to damages, damages for emotional distress, penalties, and attorneys' fees pursuant to 15 U.S.C. section 1692k.

THIRD CAUSE OF ACTION
(Violation of Rosenthal Fair
Debt Collection Practices Act)

34. Plaintiff incorporates by this reference the foregoing paragraphs.

35. Chase has failed and refused to cease its improper debt collection practices.

36. Chase has made false representations in violation of Civil Code section 1788.17.

37. Chase has engaged in unlawful conduct and made threats in violation of Civil Code section 1788.10.

38. By reason of the foregoing, Chase willfully violated the Rosenthal Fair Debt Collection Practices Act, Civil Code 1788, et seq.

39. By reason of the foregoing, Plaintiff has sustained damages in an amount to be determined at trial, plus interest, costs, damages for emotional distress, and attorneys' fees.

40. By reason of the foregoing, Plaintiff is entitled to damages, damages for emotional distress, penalties, and attorneys' fees pursuant to Civil Code section 1788.30.

FOURTH CAUSE OF ACTION
(Negligence)

41. Plaintiff incorporates by this reference the foregoing paragraphs.

42. Chase had a duty to reasonably and properly conduct its collection efforts regarding Jenson.

43. Chase failed to reasonably and properly conduct its collection efforts regarding Jenson.

44. By reason of the foregoing, Plaintiff has sustained damages in an amount to be determined at trial, plus interest, costs and damages for emotional distress.

FIFTH CAUSE OF ACTION
(Declaratory Relief)

45. Plaintiff incorporates by this reference each of the previous paragraphs.

46. There is an actual controversy between the parties.

47. A judicial determination is required. Chase has taken the position that Jenson was delinquent in her payments regarding the Account to support a charge-off, and that charging-off the Account and reporting the Account as a charge-off to the credit reporting agencies was proper. Plaintiff has taken the position that Jenson was not delinquent in her payments regarding the Account to support a charge-off, and that charging-off the Account and reporting the Account as a charge-off to the credit reporting agencies was not proper.

WHEREFORE, Plaintiff prays as follows:

a) For damages according to proof;

b) For emotional distress;

c) For interest according to proof;

d) For declaratory relief;

e) For punitive damages;

f) For costs, disbursements and reasonable attorneys' fees as provided in any agreement between the parties, any statute or otherwise; and

g) For such other and further relief as the Court deems just and proper.

Dated: January 22, 2008

LAW OFFICES OF DOUGLAS JAFFE

Douglas Jaffe

EXHIBIT B

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Douglas Jaffe, Esq. #170354 402 West Broadway, 4th Floor San Diego, CA 92101 TELEPHONE NO.: 619-595-4861 FAX NO.: 619-595-4862 ATTORNEY FOR (Name): Jenson	FILED CIVIL BUSINESS OFFICE 9 CENTRAL DIVISION 2008 JAN 25 A 8:56 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
CASE NAME: Jenson v. JP Morgan Chase	

CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER:
☑ Unlimited (Amount demanded exceeds $25,000) ☐ Limited (Amount demanded is $25,000 or less)	☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	37-2008-00076687-CU-BT-CTL JUDGE: DEPT:

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
- ☐ Auto (22)
- ☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- ☐ Asbestos (04)
- ☐ Product liability (24)
- ☐ Medical malpractice (45)
- ☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- ☑ Business tort/unfair business practice (07)
- ☐ Civil rights (08)
- ☐ Defamation (13)
- ☐ Fraud (16)
- ☐ Intellectual property (19)
- ☐ Professional negligence (25)
- ☐ Other non-PI/PD/WD tort (35)

Employment
- ☐ Wrongful termination (36)
- ☐ Other employment (15)

Contract
- ☐ Breach of contract/warranty (06)
- ☐ Rule 3.740 collections (09)
- ☐ Other collections (09)
- ☐ Insurance coverage (18)
- ☐ Other contract (37)

Real Property
- ☐ Eminent domain/Inverse condemnation (14)
- ☐ Wrongful eviction (33)
- ☐ Other real property (26)

Unlawful Detainer
- ☐ Commercial (31)
- ☐ Residential (32)
- ☐ Drugs (38)

Judicial Review
- ☐ Asset forfeiture (05)
- ☐ Petition re: arbitration award (11)
- ☐ Writ of mandate (02)
- ☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
- ☐ Antitrust/Trade regulation (03)
- ☐ Construction defect (10)
- ☐ Mass tort (40)
- ☐ Securities litigation (28)
- ☐ Environmental/Toxic tort (30)
- ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint
- ☐ RICO (27)
- ☐ Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- ☐ Partnership and corporate governance (21)
- ☐ Other petition *(not specified above)* (43)

2. This case ☐ is ☑ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   - a. ☐ Large number of separately represented parties
   - b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   - c. ☐ Substantial amount of documentary evidence
   - d. ☐ Large number of witnesses
   - e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   - f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. ☑ monetary b. ☑ nonmonetary; declaratory or injunctive relief c. ☑ punitive
4. Number of causes of action *(specify)*: 5
5. This case ☐ is ☑ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: 1/22/08
Douglas Jaffe, Esq.
(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]
CIVIL CASE COVER SHEET
Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10
www.courtinfo.ca.gov
American LegalNet, Inc.
www.FormsWorkflow.com

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 330 West Broadway
MAILING ADDRESS: 330 West Broadway
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Central
TELEPHONE NUMBER: (619) 685-6144

PLAINTIFF(S) / PETITIONER(S): Leslie Jenson

DEFENDANT(S) / RESPONDENT(S): JP Morgan Chase & Co

JENSON VS. JP MORGAN CHASE & CO

NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2008-00076687-CU-BT-CTL

Judge: Ronald S. Prager

Department: C-71

COMPLAINT/PETITION FILED: 01/25/2008

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

GEORGE G. WEICKHARDT (SBN 58586)
PAMELA J. ZANGER (SBN 168356)
ROPERS, MAJESKI, KOHN & BENTLEY PC
201 Spear Street, Suite 1000
San Francisco, CA 94105
Telephone: (415) 543-4800
Facsimile: (415) 972-6301
Email: gweickhardt@rmkb.com

Attorneys for Defendant
CHASE BANK USA, N.A., sued herein erroneously as
JP MORGAN CHASE & CO.

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

LESLIE JENSON, Plaintiff, v. JP MORGAN CHASE & CO.; and DOES 1 through 10, inclusive, Defendants.	CASE NO. **NOTICE OF PARTY WITH FINANCIAL INTEREST** **[Civil L.R. 40.2]**

TO THE COURT AND TO ALL PARTIES IN THIS ACTION:

Pursuant to Civil L.R. 40.2, the undersigned certifies that the following listed persons, associations of persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a financial interest in that subject matter or in a party that could be substantially affected by the outcome of this proceeding.

PARTY	**CONNECTION**
Chase Bank USA, N.A.	A wholly-owned subsidiary of CMC Holding Delaware, Inc.
CMC Holding Delaware, Inc.	A whole-owned subsidiary of JPMorgan Equity Holding, Inc.

PARTY	CONNECTION
JPMorgan Equity Holding, Inc.	A wholly-owned subsidiary of JPMorgan Chase & Co.
JPMorgan Chase & Co.	A publicly traded company.

Dated: February 21, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

By: ____________________
GEORGE G. WEICKHARDT
PAMELA J. ZANGER
Attorneys for Defendant
CHASE BANK USA, N.A., sued herein erroneously as JP MORGAN CHASE & CO.

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

CASE NAME: **LESLIE JENSON v. JP MORGAN CHASE & CO., and DOES 1 through 10, inclusive**

ACTION NO.: **TBA — U.S. District Court, Southern District of California**

I am a citizen of the United States. My business address is 201 Spear Street, Suite 1000, San Francisco, CA 94105. I am employed in the County of San Francisco where this service occurs. I am over the age of 18 years, and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

1. **NOTICE OF REMOVAL OF CIVIL ACTION FROM STATE COURT TO UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA**
2. **NOTICE OF PARTY WITH FINANCIAL INTEREST**

(BY FAX) by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.

☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.

Attys. for Plaintiff

Douglas Jaffe, Esq.
Law Offices of Douglas Jaffe
402 West Broadway, 4th Floor
San Diego, CA 92101
Tel: (619) 595-4861
Fax: (619) 595-4862

☒ *(Federal)* I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 21, 2008, at San Francisco, California.

Richard Choi

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco